

ORDINANCE NO. 2002-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PROVIDING FOR THE ADOPTION OF A HOME RULE CHARTER; PROVIDING FOR THE PREAMBLE; PROVIDING FOR THE CREATION AND POWERS OF HOME RULE CHARTER GOVERNMENT; PROVIDING FOR THE RELATIONSHIP OF COUNTY ORDINANCES TO MUNICIPAL ORDINANCES; PROVIDING FOR AN ELECTED COMMISSION AND APPOINTED COUNTY ADMINISTRATOR FORM OF GOVERNMENT; PROVIDING FOR NON-PARTISAN ELECTIONS OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT; PROVIDING FOR THE APPOINTMENT OF A COUNTY ADMINISTRATOR AND COUNTY ATTORNEY; PROVIDING FOR THE PRESERVATION OF ELECTED COUNTY CONSTITUTIONAL OFFICERS; PROVIDING THAT THE SUPERVISOR OF ELECTIONS SHALL BE NON-PARTISAN; PROVIDING THAT THE LEON COUNTY CLERK OF COURT SHALL SERVE AS AUDITOR TO THE COMMISSION; PROVIDING FOR AN AUDIT COMMITTEE; PROVIDING FOR CITIZEN INITIATIVES FOR COUNTY ORDINANCES AND CHARTER AMENDMENTS; PROVIDING FOR THE RECALL OF COMMISSIONERS; PROVIDING FOR TRANSITION PROCEDURES; PROVIDING FOR CHARTER AMENDMENT PROCEDURES; PROVIDING FOR A CHARTER REVIEW COMMISSION; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 5, 2002; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Leon County, Florida, is presently a non-charter county government as established under Article VIII, Section 1(f), Florida Constitution; and

WHEREAS, Article VIII, Sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of the electors of the county; and

1 WHEREAS, Section 125.80, *et seq.*, Florida Statutes, provides a method whereby a non-
2 charter county may locally initiate a county home rule charter;

3 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

5 **SECTION 1. HOME RULE CHARTER.**

6 The proposed Home Rule Charter of Leon County, Florida, shall read as follows:

7 **PREAMBLE**

8 We, the citizens of Leon County, Florida, united in the belief that governmental decisions
9 affecting local interests should be made locally, rather than by the State, and that County
10 government should be reflective of the people of the County and should serve them in achieving a
11 more responsive and efficient form of government and in order to empower the people of this
12 County to make changes in their own government, do ordain and establish this Home Rule Charter
13 for Leon County, Florida.

14 **ARTICLE I. CREATION, POWERS AND**
15 **ORDINANCES OF HOME RULE**
16 **CHARTER GOVERNMENT**
17

18 **Sec. 1.1. Creation and general powers of Home Rule Charter government.**

19 The County shall have all powers of self- government not inconsistent with general law, with
20 special law approved by vote of the electors, or with this Charter. The County shall have all county
21 and municipal powers of self-government granted now or in the future by the Constitution and laws
22 of the State of Florida.
23
24

1 **Sec. 1.2. Body corporate, name and boundaries.**

2 Leon County shall be a body corporate and politic. The corporate name shall be Leon
3 County, Florida. The County seat and boundaries shall be those designated by law on the effective
4 date of this Home Rule Charter.

5 **Sec. 1.3. Construction.**

6 The powers granted by this Home Rule Charter shall be construed broadly in favor of the
7 charter government. The specified powers in this Charter shall not be construed as limiting, in any
8 way, the general or specific power of the government as stated in this article. It is the intent of this
9 article to grant to the charter government full power and authority to exercise all governmental
10 powers necessary for the effective operation and conduct of the affairs of the charter government.

11 **Sec. 1.4. County Purposes.**

12 The County, operating under this Charter, shall have all special powers and duties which are
13 not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners,
14 and shall have such additional county and municipal powers as may be required to fulfill the intent
15 of this Charter.

16 **Sec. 1.5. Municipal Purposes.**

17 The County shall have all necessary municipal powers to accomplish municipal purposes
18 within the County.

19 In the event the Board of County Commissioners levies the Municipal Public Services Tax
20 on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to
21 the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to

properly monitor and enforce compliance with the County's rules and regulations concerning placement and maintenance of utility facilities in the public rights-of-way.

Sec. 1.6. Relation to Municipal Ordinances.

Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

Sec. 1.7. Transfer of Power.

Whenever a municipality, special district or agency shall request by a majority vote of the governing body the performance or transfer of a function to the County, the County is so authorized by a majority vote of the Board of County Commissioners to have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, § 4 of the Constitution of Florida.

Sec. 1.8. Division of Powers.

This Charter establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

Sec. 1.9. Relation to State Law.

Special laws of the state legislature relating to or affecting Leon County and general laws of local application which apply only to Leon County, except those laws relating exclusively to a

1 municipality, the school board, or a special district, shall be subject to approval by local referendum
2 to the extent that they are not in conflict with this Charter. All special laws so approved shall
3 become ordinances, and may be subject to amendment or repeal by the Board of County
4 Commissioners.

5 **ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT**

6 **Sec. 2.1. Elected Commission and appointed County Administrator form of** 7 **government.**

8 Leon County shall operate under an elected County Commission and an appointed County
9 Administrator form of government with separation of legislative and executive functions in
10 accordance with the provisions of this Home Rule Charter. The legislative responsibilities and
11 powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The
12 executive responsibilities and power of the County shall be assigned to, and vested in, the County
13 Administrator, who shall carry out the directives and policies of the Board of County Commissioners
14 and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all
15 applicable general law to assure that they be faithfully executed.

16 **Sec. 2.2. Legislative Branch.**

17 **(1) The County Commission.**

18 The governing body of the County shall be a Board of County Commissioners composed of
19 seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner
20 elected for each of the five (5) County Commission districts, established pursuant to general law or
21 by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-
22 large Commissioners elected on a countywide basis by the electors of the County. Elections for all

1 seven (7) members of the County Commission shall be non-partisan. Each candidate for the office
2 of district County Commissioner shall reside within the district from which such candidate seeks
3 election at the time of qualifying to run for that office, and during the term of office each
4 Commissioner shall reside in the district from which such Commissioner ran for office, provided
5 that any Commissioner whose residence is removed from a district by redistricting may continue to
6 serve during the balance of the term of office.

7 **(2) Redistricting.**

8 Redistricting of County Commission district boundaries shall be in accordance with general
9 law, changed only after notice and a public hearing as provided by general law.

10 **(3) Salaries and Other Compensation.**

11 Salaries and other compensation of the County Commissioners shall be established by
12 ordinance, and salary shall not be lowered during an officer's term in office.

13 **(4) Authority.**

14 The Board of County Commissioners shall exercise all legislative authority provided by this
15 Home Rule Charter in addition to all other powers and duties authorized by general law or special
16 law approved by a vote of the electorate.

17 **(5) Vacancies.**

18 A vacancy in the office of County Commissioner shall be defined and filled as provided by
19 general law.

20 **(6) Administrative Code.**

21 The County Commission shall adopt an administrative code in accordance with general law.
22

1 **Sec. 2.3. Executive Branch.**

2 **(1) The County Administrator.**

3 (A) The County Administrator shall be appointed by, and serve at the pleasure of, the
4 Board of County Commissioners. The County Administrator shall be the chief executive officer of
5 the County and all executive responsibilities and powers shall be assigned to, and vested in, the
6 County Administrator. The County Administrator shall exercise all executive authority provided
7 by this Home Rule Charter and all other powers and duties authorized by general or special law.

8 (B) The County Administrator shall be chosen on the basis of his/her professional
9 qualifications, administrative and executive experience, and ability to serve as the chief
10 administrator of the County. The County Administrator shall reside within the County during
11 his/her tenure as County Administrator.

12 (C) The compensation of the County Administrator shall be fixed by the Board of County
13 Commissioners at a level commensurate with the responsibilities of the position, with performance
14 appraisals conducted by the Board of County Commissioners at least annually.

15 (D) A vacancy in the office shall be filled in the same manner as the original appointment.
16 The County Administrator may appoint an Acting County Administrator in the case of his/her
17 temporary vacancy.

18 **(2) Senior Management.**

19 The County's senior management employees, with the exception of the County Attorney's
20 and Tourist Development Council (TDC) staff, shall serve at the pleasure of the County
21 Administrator, who may suspend or discharge senior management personnel with or without cause.

1 **Sec. 2.4. County Attorney.**

2 (1) There shall be a County Attorney selected by the Board of County Commissioners
3 who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and
4 shall reside within the County during his/her tenure as County Attorney.

5 (A) The County Attorney shall provide legal services to the Board of County
6 Commissioners, the County Administrator, and County departments, boards and agencies organized
7 under the Board of County Commissioners.

8 (B) The compensation of the County Attorney shall be fixed by the Board of County
9 Commissioners at a level commensurate with the responsibilities of the position with performance
10 appraisals conducted by the Board of County Commissioners at least annually.

11 **ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICERS**

12 **Sec. 3.1. Preservation of Constitutional Offices.**

13 The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and
14 Supervisor of Elections shall remain as independently elected constitutional offices, and the status,
15 powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any
16 revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional
17 officers shall perform their executive and administrative functions as provided by law.

18 **Sec. 3.2. Non-Partisan Elections.**

19 **(1) Non-Partisan Offices.**

20 The Supervisor of Elections shall be non-partisan.

1 **(A) Non-Partisan Election Procedures.**

2 If three or more candidates, none of whom is a write-in candidate, qualify for such office,
3 the names of those candidates shall be placed on a non-partisan ballot at the first primary election.
4 If no candidate for such office receives a majority of the votes cast for such office in the first
5 primary election, the names of the two candidates receiving the highest number of votes for such
6 office shall be placed on the general election ballot.

7 **(B) Qualification by Petition.**

8 A candidate for non-partisan office may qualify for election to such office by means of the
9 petitioning process provided in general law.

10 **Sec. 3.3. Clerk Auditor.**

11 **(1)** The Leon County Clerk of the Court shall serve as the Auditor to the Commission
12 as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public
13 Accountant, or such other person qualified by education or experience in governmental accounting,
14 internal auditing practices and fiscal controls, which shall include at least five (5) years experience
15 in professional accounting, auditing, governmental fiscal administration or related experience, unless
16 the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit
17 function of the Clerk.

18 **(2) Audit Committee.**

19 There shall be a five member Audit Committee of which two members shall be appointed
20 by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan
21 of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members
22 shall be residents of Leon County, none of whom may be an employee or officer of County

1 government, and who have experience as a public accountant, internal auditor, or as a financial
2 manager for a public, private or not for profit institution. The purpose of the Committee is to
3 promote, maintain, and enhance the independence and objectivity of the internal audit function by
4 ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on
5 recommendations. Clerk shall provide for the organization and duties of the audit committee,
6 including membership terms, voting procedures, officers, sub-committees, meeting schedules and
7 staff support.

8 **ARTICLE IV. POWERS RESERVED TO THE PEOPLE:**
9 **INITIATIVE AND RECALL**

10
11 **Sec. 4.1. Citizen Initiative.**

12 **(1) Right to Initiate.**

13 The electors of Leon County shall have the right to initiate County ordinances in order to
14 establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida
15 Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the
16 total number of electors qualified to vote in the County reflecting ten percent (10%) of the total
17 number of electors qualified to vote within each of the five (5) commission districts. The total
18 number of electors qualified shall mean the total number of electors qualified to vote in the last
19 preceding general election.

20 **(2) Procedure for Petition.**

21 The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a
22 proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form
23 on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinances shall
24 embrace but one (1) subject and matter directly connected therewith. The sponsor shall cause a

1 notice of such submission to be published within fourteen (14) days thereof in a newspaper of
2 general circulation in the County. The allowable period for obtaining signatures on the petition shall
3 be completed not later than one (1) year after initial receipt of the petition by the Supervisor of
4 Elections. The sponsor shall comply with all requirements of general law for political committees,
5 and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's
6 information and belief, the number of signatures procured. The time and form of such reports may
7 be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall
8 thereupon submit signed and dated forms to the Supervisor of Elections, and upon submission, shall
9 pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after
10 submission of signatures, verify the signatures thereon, or specify a reason for the invalidity of each
11 rejected signature, if the petition is rejected for insufficiency of the number of valid signatures. If
12 the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an
13 additional thirty (30) days within which to submit additional signatures for verification. The
14 Supervisor of Elections shall, within thirty (30) days of submission of additional signatures, verify
15 the additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of
16 Elections shall declare the petition null and void and none of the signatures may be carried over onto
17 another identical or similar petition.

18 **(3) Consideration by Board of County Commissioners.**

19 Within sixty (60) days after the requisite number of signatures has been verified by the
20 Supervisor of Elections and reported to the Board of County Commissioners, the Board of County
21 Commissioners shall give notice and hold public hearing(s) as required by general law on the
22 proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by

1 resolution, call a referendum on the question of the adoption of the proposed ordinance to be held
2 at the next general election occurring at least forty-five (45) days after the adoption of such
3 resolution. If the question of the adoption of the proposed ordinance is approved by a majority of
4 those registered electors voting on the question, the proposed ordinance shall be declared, by
5 resolution of the Board of County Commissioners, to be enacted and shall become effective on the
6 date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The
7 Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior
8 to the next succeeding general election, without the approval of a majority of the electors voting at
9 a referendum called for that purpose.

10 **(4) Limitation on Ordinances by Initiative.**

11 The power to enact, amend or repeal an ordinance by initiative shall not include ordinances
12 or provisions related to County budget, debt obligations, capital improvement programs, salaries of
13 County officers and employees, the assessment or collection of taxes, or the zoning of land.

14 **Sec. 4.2. Recall.**

15 All members of the Board of County Commissioners shall be subject to recall as provided
16 by general law.
17

1 **ARTICLE V. HOME RULE CHARTER**
2 **TRANSITION, AMENDMENTS, REVIEW,**
3 **SEVERANCE, EFFECTIVE DATE**
4

5 **Sec. 5.1. Home Rule Charter Transition.**

6 **(1) General Provisions.**

7 Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter
8 shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws,
9 ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose
10 term shall continue as if this charter had not been adopted.

11 **(2) Initial County Commissioners.**

12 The persons comprising the Leon County Board of County Commissioners on the effective
13 date of this Charter shall become the initial members of the Board of County Commissioners of the
14 Charter government and shall perform the functions thereof until the normal expiration of their terms
15 or until the election and qualification of their successors as provided by law.

16 **(3) Outstanding Bonds.**

17 All outstanding bonds, revenue certificates, and other financial obligations of the County
18 outstanding on the effective date of this Charter shall be obligations of the Charter government. All
19 actions taken by the former government relating to the issuance of such obligations are hereby
20 ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely
21 from, and charged solely against, funds derived from the same sources from which such payment
22 would have been made had this Charter not taken effect.

23
24 **(4) Employees Continuation.**

1 All employees of the former County government shall, on the effective date of this Charter,
2 become employees of the County government created by this Charter. All existing wages, benefits,
3 and agreements, and conditions of employment shall continue, until modified by lawful action of
4 the County Commission.

5 **Sec. 5.2. Home Rule Charter Amendments.**

6 **(1) Amendments Proposed by Petition.**

7 (A) The electors of Leon County shall have the right to amend this Home Rule Charter
8 in accordance with Sec. 4.1 of this Charter.

9 (B) Each proposed amendment shall embrace but one (1) subject and matter directly
10 connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot
11 by resolution of the Board of County Commissioners for the general election occurring in excess of
12 ninety (90) days from the certification by the Supervisor of Elections that the requisite number of
13 signatures has been verified. If approved by a majority of those electors voting on the amendment
14 at the general election, the amendment shall become effective on the date specified in the
15 amendment, or, if not so specified, on January 1 of the succeeding year.

16 **(2) Amendments and Revisions by Citizen Charter Review Committee.**

17 (A) A Citizen Charter Review Committee shall be appointed by the Board of County
18 Commissioners at least twelve (12) months before the general election occurring every eight (8)
19 years thereafter, to be composed and organized in a manner to be determined by the Board of County
20 Commissioners, to review the Home Rule Charter and propose any amendments or revisions which
21 may be advisable for placement on the general election ballot. Public hearings shall be conducted
22 as provided by Section 125.63, Florida Statutes.

1 (B) No later than ninety (90) days prior to the general election, the Citizen Charter
2 Review Committee shall deliver to the Board of County Commissioners the proposed amendments
3 or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall
4 consider such amendments or revisions to be placed on the general election ballot, in accordance
5 with Section 125.64, Florida Statutes.

6 (C) If the Citizen Charter Review Committee does not submit any proposed Charter
7 amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to
8 the general election, the Citizen Charter Review Committee shall be automatically dissolved.

9 **(3) Amendments Proposed by the Board of County Commissioners.**

10 (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted by
11 the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the
12 membership of the Board. Each proposed amendment shall embrace but one (1) subject and matter
13 directly connected therewith. Each proposed amendment shall only become effective upon approval
14 by a majority of the electors of Leon County voting in a referendum at the next general election.
15 The Board of County Commissioners shall give public notice of such referendum election at least
16 ninety (90) days prior to the general election referendum date.

17 (B) If approved by a majority of those electors voting on the amendment at the general
18 election, the amendment shall become effective on the date specified in the amendment, or, if not
19 so specified, on January 1 of the succeeding year.

20 **Sec. 5.3. Severance.**

21 If any provision of this Charter or the application thereof to any person or circumstance is
22 held invalid, the invalidity shall not affect other provisions or applications of the Charter which can

1 be given effect without the invalid provision or application, and to this end the provisions of the
2 Charter are declared severable.

3 **Sec. 5.4. Home Rule Charter effective date.**

4 This Charter shall become effective November 12, 2002.

5
6 **SECTION 2. BALLOT QUESTION TO BE PRESENTED TO ELECTORATE.**

7 The proposed Charter of Leon County, Florida, shall be presented to the qualified Leon
8 County electorate by placing the question of whether to adopt same on the ballot at the special
9 election to be held on November 5, 2002.

10
11 **SECTION 3. BALLOT QUESTION FORM.**

12 The question on the ballot shall be substantially in the following form:

13 **CHARTER FOR LEON COUNTY, FLORIDA**
14 **AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2002-__**

15
16 Question

17
18 Shall there be a Home Rule Charter for Leon County, Florida, establishing all rights
19 and powers of local self government; authorizing the proposal and adoption of
20 ordinances by voter initiative and referendum; preserving elected constitutional
21 county officers; providing a non-partisan Supervisor of Elections; providing for non-
22 partisan elections of county commissioners; allowing recall of commissioners by
23 citizen referendum; and providing a method of amendment, which shall take effect
24 November 12, 2002?

25
26 Yes for Approval _____

27
28 No for Rejection _____

1 **SECTION 4. FURTHER AUTHORIZATION.**

2 The Board of County Commissioners of Leon County, Florida, is authorized to adopt all
3 resolutions and take all actions necessary in order for this Charter referendum proposition and those
4 propositions referenced in the Preamble and Articles of the proposed Charter herein to be properly
5 placed on the ballot for the special election of November 5, 2002. Said referendum shall be
6 conducted according to the requirements of law governing referendum elections in the State of
7 Florida.

8
9 **SECTION 5. SEVERABILITY.**

10 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
11 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
12 separate and independent provision and such holding shall not affect the validity of the remaining
13 portions thereof.

14
15 **SECTION 6. EFFECTIVE DATE.**

16 This ordinance shall have effect upon becoming law, but shall be of no further force or effect
17 if the proposed Charter is not duly approved at the November 5, 2002, special election. The Charter
18 of Leon County, Florida, as proposed by this Ordinance, shall become effective November 12, 2002,

1 if the Charter is approved by a “yes” vote by a majority of those duly qualified electors voting on
2 the question posed at the November 5, 2002, referendum.
3

4 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
5 Florida, this ____ day of _____, 2002.

6 LEON COUNTY, FLORIDA
7
8

9 BY: _____
10 DAN WINCHESTER, CHAIRMAN
11 BOARD OF COUNTY COMMISSIONERS
12
13

14 ATTESTED BY:
15 BOB INZER, CLERK OF THE COURT
16
17

18 BY: _____
19 CLERK
20

21 APPROVED AS TO FORM:
22 COUNTY ATTORNEY'S OFFICE
23 LEON COUNTY, FLORIDA
24
25

26 BY: _____
27 HERBERT W.A. THIELE, ESQ.
28 COUNTY ATTORNEY
29
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